

REMARKS

Reconsideration of the above-identified patent application as amended herein is respectfully requested. Claim 6 is cancelled and claims 13 and 16 are amended herein. Of the claims, only claim 13 is independent.

In the Office Action, the Examiner rejected claims 6-8 and 13-18 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claim 13 is amended herein to further clarify the invention and is now believed to overcome the rejection under 35 U.S.C. 112, second paragraph. Therefore, the withdrawal of the rejection is respectfully requested.

In the Office Action, the Examiner rejected claims 6-8 and 13-18 under 35 U.S.C. 103(a) as being unpatentable over Kudo et al (US Patent 4,400,211, hereinafter US '211). Applicants respectfully traverse the rejection.

In order for the claims of the instant application to be obvious in light of the teachings of the cited reference:

“...there must be some suggestion or motivation, either in the [reference itself], or in the knowledge generally available to one of ordinary skill in the art, to modify the reference...[and]

...the prior art reference must teach or suggest all the claimed limitations. The teaching or suggestion to make the claimed combination...must be both found in the prior art.” (MPEP 706.02(j)).

The presently claimed invention is directed to alloys of extraordinarily high tensile limits and strength which can be used in particular extreme corrosive conditions.

US '211 teaches an alloy useful for manufacturing tubing and drill pipes for use in oil-well operations. However, US '211 does not teach or suggest all the limitations of amended claim 13, which is amended herein to incorporate the features of cancelled claim 6.

Claim 13 recites:

“...a content of 10-12 % Mo;...

...a content of 0.1-0.3 % Nb; ...

...a maximum content of 0.3 % V;...;

...wherein the total of Nb and Ta is at most 0.30, and wherein the maximum total of Al + Ti is 0.30% and wherein an effective total $WS = \% Cr + 3[\% Mo + 0.5 \% W] + 16 \% N \geq 54$ is selected.”

Applicants point out that amended claim 13 is not suggested or made obvious by US '211 which teaches alloys of different composition from the alloys claimed in amended claim 13. For example, US '211 teaches that at least one of Nb, Ti, Ta, Zr and V, shall be present in the range between 0.5 to 4 %, (column 4, lines 10 to 12) while the alloys of amended claim 13 do not encompass this range. In addition, US '211 does not disclose or suggest the selection of **“an effective total $WS = \% Cr + 3[\% Mo + 0.5 \% W] + 16 \% N \geq 5$.”**

Therefore, for the reason set forth above, the alloys disclosed in US '211 are different from the alloys claimed in the presently claimed invention, and a person of ordinary skill in the art would not arrive at the present invention by considering the teachings of US '211.

US '211 does not teach or disclose the claimed combination, and since a skilled artisan would not find a suggestion or a motivation in US '211 to modify its teaching to arrive at the presently claimed invention, the cited reference does not render the presently claimed invention obvious under 35 U.S.C. 103(a). Therefore, amended claim 13, for the reasons set forth above is not rendered obvious by the prior art of record, and Applicants respectfully request the withdrawn of the rejection of all the claims under 35 U.S.C. 103(a).

In light of the foregoing amendments and arguments, the application is now believed to be in proper format for allowance of all claims and a notice to that effect is earnestly solicited.

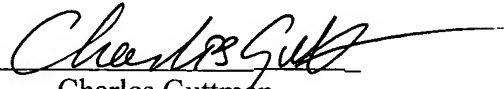
Please deduct any fees resulting from this Amendment from deposit account number 16-2500 of the undersigned.

The undersigned attorney requests that the Examiner contact him at the telephone number indicated below if it would help expedite prosecution of this application.

Respectfully submitted,
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